

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

EDWARD FRANCIS CARL,)	
)	
Charging Party,)	Cause No. 0041010773
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
SYSKO FOOD SERVICES of)	
MONTANA, INC.,)	
)	
Respondent.)	

On June 6, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party, Edward Francis Carl, filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on September 23, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Carl's assertion that he had been discriminated on the based of perceived disability and/or age by his former employer, Sysco Food Services of Montana, Inc.

After careful and due consideration, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. 24.9.1714(3) ARM.

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. § 49-2-509(5), MCA (2003); 24.9.1714(5), ARM. If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission adopts the findings of the Human Rights Bureau and the notice of dismissal is affirmed.

Dated this _____ day of October 2004.

Mr. Gary Hindoi, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on October ____ 2004.

EDWARD FRANCES CARL
6004 SAINT FRANCIS DRIVE
MISSOULA MT 59803

SUZANNE MATTHEWS
SYSCO FOODS
PO BOX 31198
BILLINGS MT 59101

CHARLES AHNER
MOUNTAIN STATES EMPLOYERS COUNCIL INC
PO BOX 539
DENVER CO 80201-0539

MARIEKE BECK
OFFICE OF LEGAL SERVICES
DEPARTMENT OF LABOR AND INDUSTRY
PO BOX 1728
HELENA MT 59624-1728

Montana Human Rights Bureau